



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

BCS/169513

PRELIMINARY RECITALS

Pursuant to a petition filed October 19, 2015, under Wis. Stat. § 49.45(5)(a), to review a decision by the Winnebago County Department of Human Services in regard to Medical Assistance, a hearing was held on November 17, 2015, at Oshkosh, Wisconsin.

The issue for determination is whether the agency correctly terminated the petitioner's BadgerCare (BC) Plus benefits effective September 1, 2015.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

;

Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, Wisconsin 53703

By: Jeanie Ortiz

Winnebago County Department of Human Services
220 Washington Ave.
PO Box 2187
Oshkosh, WI 54903-2187

ADMINISTRATIVE LAW JUDGE:

Corinne Balter
Division of Hearings and Appeals

FINDINGS OF FACT

1. The petitioner (CARES # [REDACTED]) is a resident of Winnebago County. The petitioner is a household of three.

2. On August 4, 2015 the agency sent the petitioner a notice stating that they needed verification of the household's income. The verification was due by August 13, 2015. The agency did not receive the requested verification.
3. On August 18, 2015 the agency sent the petitioner a notice stating that her healthcare coverage was ending effective September 1, 2015 for failing to provide the requested verification.
4. On September 1, 2015 the petitioner provided the agency completed employment verification of earnings forms. Her BadgerCare (BC) Plus healthcare coverage had already closed.
5. The verifications showed that the petitioner's monthly household gross income was \$2,419.62.
6. The agency attempted to open the petitioner for a BC Plus extension, however, because her BC Plus case had closed, they determined that she was not eligible for a BC Plus extension.
7. On September 3, 2015 the agency sent the petitioner another notice stating that she no longer health coverage effective September 1, 2015.
8. On October 19, 2015 the Division of Hearings and Appeals received the petitioner's Request for Fair hearing.

DISCUSSION

BadgerCare Plus is a Wisconsin variant of the MA program, for non-elderly, non-disabled Wisconsin residents. The program's nonfinancial eligibility standards were broadened effective April 1, 2014, to include adults who do not have minor children in their home. Wis. Stat. § 49.45(23); 2013 Wisconsin Act 116, § 29, for effective date; *BadgerCare Plus Eligibility Handbook (BCPEH)*, § 2.1, at <http://www.emhandbooks.wisconsin.gov/bcplus/bcplus.htm> (viewed in November 2015). The petitioner meets the nonfinancial eligibility tests for the program.

The petitioner must also pass an income test. An eligible adult applicant cannot have adjusted gross income exceeding 100% of the federal poverty level (FPL). Wis. Stat. § 49.45(23)(a); *BCPEH*, § 16.1. 100% FPL for a household of three is a monthly gross income in the amount of \$1,674.17. *Id.*, § 50.1. This income limit applies to BC Plus coverage for the adults in the home. *BCPEH*, § 16.1. There is a higher income limit that applies to children in the home. *Id.* The petitioner's household's income is under that limit, and her child receives BC Plus coverage.

If a household's income increases above 100% FPL while the household is receiving BC Plus coverage, the adult household members are sometimes eligible for continued BC Plus benefits through a BC Plus extension. *BCPEH*, §18.1.1. BC Plus extension is not available to childless adults. *Id.* In addition, a non-disabled parent who fails to provide verification is not eligible for BC Plus extension. *BCPEH*, §18.5.1.

This is an unfortunate case. Had the petitioner timely provided verification, she would have been eligible for BC Plus benefits through the BC Plus extension. However, she failed to timely provide verification. The late verification showed that the household's income exceeded 100% FPL. The BC Plus case had already closed making the adults ineligible for a BC Plus extension. The adults were also over the program income limit for new coverage, and therefore completely ineligible for BC Plus coverage. The petitioner may reapply for BC Plus benefits if her situation changes.

CONCLUSIONS OF LAW

The agency correctly terminated the petitioner's BadgerCare (BC) Plus benefits effective September 1, 2015.

THEREFORE, it is

ORDERED

That the petition is dismissed.

REQUEST FOR A REHEARING

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, Madison, Wisconsin 53703, **and** on those identified in this decision as "PARTIES IN INTEREST" **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Milwaukee,
Wisconsin, this 17th day of November, 2015

\sCorinne Balter
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on November 17, 2015.

Winnebago County Department of Human Services
Division of Health Care Access and Accountability